

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN STEWART DAVIS,

Defendant.

CR 15–27–M–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on June 20, 2016. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept John Stewart Davis’s guilty plea after Davis appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of engaging in the business

of dealing in firearms without being a licensed firearms dealer in violation of 18 U.S.C. § 922(a)(1)(A) (Count I), one count of transferring a firearm which was not registered in the National Firearms Registration & Transfer Records in violation of 26 U.S.C. §§ 5812, 5861(e) and 5871 (Count VIII), and one count of the possession of firearms that were not registered in the National Firearms Registration & Transfer Record in violation of 26 U.S.C. §§ 5812, 5861(d) and 5871 (Count X), all as charged in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II-VII, and IX of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 30), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that John Stewart Davis's motion to change plea (Doc. 23) is GRANTED and John Stewart Davis is adjudged guilty as charged in Counts I, VIII, and X of the Indictment.

DATED this 11th day of July, 2016.



Dana L. Christensen, Chief District Judge
United States District Court